IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.376 OF 2006
IN
SUIT NO.42 OF 1983

The Official Liquidator
Rajastan High Court, Jaipur Bench ...Plaintiffs
Vs.
Prakashchandra Arya & Ors. ...Defendants

Mr. A.K. Goel for Defendants/Applicants

CORAM: SMT. ROSHAN DALVI, J.
DATED: 15TH FEBRUARY, 2007

P.C.

1. The Defendants in this Suit have taken out this Chamber Summons for discharge of the Court Receiver appointed pending the suit and restoration of the possession of the suit premises to the Defendants. They have also applied for withdrawal of the amount lying in the custody of the Court Receiver. The Defendants herein sued the original Plaintiffs who were their licensees in the Small Cause Court of Bombay in LE & C Suit No.129/153/82 in respect of the suit premises. The Suit was dismissed on 19th November, 2003. An Appeal therefrom was allowed and the impugned dismissal set aside on 2nd July 2005. Consequently LESuit

No.120/153/82 came to be decreed and the Plaintiffs therein (the Defendants herein) were to be handed over possession of the suit premises.

2. In this Suit Court Receiver was appointed on 14th December, 1990. The suit came to be dismissed on 4th March, 2004. The Notice of Motion for restoration of this Suit was dismissed on 10th February, 2005. The Defendants were the Agents of the Court Receiver. They continued in possession pending the suit. The Court Receiver now is required to be discharged. Consequential orders are required to be passed.

O R D E R

(i) The Court Receiver appointed in the Suit No.42 of 1983 stands discharged without passing accounts and subject to payment of his costs, charges and expenses.

(ii) The Court Receiver shall handover all the amounts, together with interest, if any, lying to the credit of the Suit after deducting his costs charges and expenses to the defendants in this Suit.

(SMT.ROSHAN DALVI, J.)